

REMARKS


1. Applicants filed U.S. patent application serial no. 09/878,872 on June 11, 2001.
2. During the prosecution of U.S. patent application serial no. 09/878,872, it was determined that it would be in Applicants' best interest to file a continuation application.
3. On March 9, 2004, Applicants' counsel prepared and filed a continuation application transmittal and filed that transmittal along with a 29 page specification, 28 pages of drawings, PTO-2038 in the amount of \$ 1190.00, a fee transmittal, a request for a third months extension of time (for serial number 09/878,872) and a copy of declaration/power of attorney filed in parent application serial number 09/878,872. The parent application serial number 09/878,872 was subsequently allowed to go abandoned and was deemed abandoned on May 3, 2004.
4. As indicated on Applicants' transmittal form (copy attached) filed by Applicants' attorney on March 9, 2004, Applicants clearly intended to claim the benefit of the filing date of June 11, 2001 application. Applicants' attorney inadvertently failed to include a cross-reference to the parent 09/878,872 application in a preliminary amendment.
5. Applicants respectfully submit that the failure to cross-reference the 09/878,872 application was unintentional.

Enclosed herewith is a PTO-2038 authorizing a charge of \$ 1370.00 in payment of the fee for acceptance of an unintentionally delayed claim for priority under 37 C.F.R. 1.17(t)

Accordingly, the granting of this Petition and acceptance of the claim of priority is earnestly solicited.

Dated: 7/7/05

Respectfully submitted,



Daniel P. Burke, (30,735)
GALGANO & BURKE, LLP
Attorneys for Applicant
300 Rabro Drive, Suite 135
Hauppauge, NY 11788
Telephone: 631 582-6161

Enclosure: Copy of Continuation transmittal,
PTO-2038 and postcard